

**STAFF REPORT**

Meeting Date: March 16, 2005

**TO:** LAFCO Commissioners

**FROM:** Everett Millais, Executive Officer

**SUBJECT:** Municipal Service Review – Recreation and Park Services; Special Districts

---

**RECOMMENDATIONS:**

- A. Accept the Municipal Service Review report for Recreation and Park Services; Special Districts.
- B. Adopt separate resolutions for each of the following special districts making findings that the actions are exempt under the “general rule” exemption of the California Environmental Quality Act (CEQA) Guidelines (§15061(b)(3)) and approving statements of determinations as required by Government Code §56430:
  - Casitas Municipal Water District
  - Conejo Recreation and Park District
  - County Service Area No. 33
  - Pleasant Valley Recreation and Park District
  - Rancho Simi Recreation and Park District
  - United Water Conservation District

**DISCUSSION:**

**Background:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code §56000 et seq.) mandates that each LAFCO conduct municipal service reviews prior to or in conjunction with sphere of Influence (SOI) updates.

**COMMISSIONERS AND STAFF**

---

**COUNTY:**  
Linda Parks, Vice Chair  
Kathy Long  
*Alternate:*  
Steve Bennett

**CITY:**  
Don Waunch  
John Zaragoza  
*Alternate:*  
Janice Parvin

**SPECIAL DISTRICT:**  
Dick Richardson, Chair  
Ted Grandsen  
*Alternate:*  
George Lange

**PUBLIC:**  
Kenneth M. Hess  
  
*Alternate:*  
Louis Cunningham

**EXECUTIVE OFFICER:**  
Everett Millais

**LAFCO ANALYST:**  
Kim Uhlich

**OFFICE MANAGER/CLERK:**  
Debbie Schubert

**LEGAL COUNSEL:**  
Leroy Smith

LAFCOs are also required to review and update, as necessary, the SOI for all agencies not less than once every five years.

In May 2002, after holding several public study sessions on how to best implement the municipal service review and sphere of influence update mandates, the Commission approved an overall work plan. The work plan divided the tasks into three phases. Phase 1 included municipal service reviews of all 36 agencies (including cities and special districts) in Ventura County that provide water and/or wastewater services. Municipal Service Reviews for all such agencies were completed in December 2003. During 2004, the Commission reviewed and updated, as necessary the spheres of influence for 26 agencies.

Phase 2 of the updated Municipal Service Review and Sphere of Influence Update Work Plan includes municipal service reviews of 17 special districts that provide a variety of services in several categories. The Commission entered into a professional services contract with Joyce Crosthwaite, the project manager for the phase 1 service reviews, to prepare the phase 2 municipal service reviews. The process being used for phase 2 is similar to what was done for phase 1. It consists of gathering information from each agency based on a comprehensive questionnaire, preparing draft reports and written determinations in accordance with the law based on the agency information provided or gathered from other sources, reviewing the draft reports and determinations with the staff or representatives of each agency, and preparing final drafts for action by the Commission.

#### The Report & Actions by the Commission

The Municipal Service Review report for Recreation and Park Services addresses the recreation and park services provided by special districts in Ventura County. Recreation and park services provided by cities will be included with the upcoming municipal service reviews for each city.

As noted in the report, Casitas Municipal Water District and United Water Conservation District provide recreation and park services that are ancillary to their primary water supply and storage service functions. The water supply and storage services of these two Districts were reviewed as a part of the water and wastewater municipal service reviews completed in December 2003. This Municipal Service Review for Recreation and Park Services, in conjunction with the previously approved water and wastewater service reviews, will complete the municipal service review of all of the services provided by each of these two Districts.

The Conejo Valley, Pleasant Valley and Rancho Simi Recreation and Park Districts are each independent special districts whose sole functions relate to recreation and park services. Each of these Districts was formed before the cities of Thousand Oaks,

Staff Report

Municipal Service Review – Recreation and Park Services; Special Districts

March 16, 2005

Page 2 of 4

Camarillo and Simi Valley, now their respective primary service areas, were incorporated. County Service Area No. 33 was formed by the Board of Supervisors in 1991 for recreation and park services. However, this dependent District is basically defunct as it does not provide any services and has not been funded since 1995.

It is recommended that the Commission accept the Municipal Service Review – Recreation and Park Services; Special Districts report. Formal adoption of the report itself is not required.

The Commission is required to make written determinations for nine factors as discussed in the report. In essence, these determinations are the municipal service review for a service or services provided by an agency. A separate resolution is recommended for each of the six Districts. Each resolution contains the written determinations for each required factor for the recreation and park services provided by each District. Once approved the municipal service review for all six Districts will be complete.

It is important to note that the actions recommended at this time relate only to municipal service reviews. No sphere of influence review is a part of any of the recommended actions. Once the service reviews are completed for all of the special districts in phase 2 of the Work Plan, sphere of influence reviews and, as necessary, update actions for each District will be scheduled for Commission action.

#### CEQA:

The Ventura LAFCO is the lead agency under CEQA for municipal service reviews. The Commission must therefore address CEQA requirements before taking any action. In staff's opinion it could easily be argued that the municipal service review actions being recommended are not a project under CEQA in that the actions will not result in a direct or reasonably foreseeable indirect physical change in the environment. Such a determination, however, would not result in any further public CEQA notice of action and potentially could be challengeable over an extended period of time. Thus, a more conservative approach of having the Commission determine that the municipal service review determinations being made are exempt from CEQA is recommended. This will result in the filing of a Notice of Exemption with the County Clerk and, significantly, a 30-day period for anyone to challenge the CEQA determination. If no challenge to the CEQA determination is filed by the end of the 30-day period, the Commission's action on the municipal service review is not subject to subsequent CEQA challenge.

Staff, in conjunction with legal counsel, reviewed both the CEQA Guidelines and the CEQA discussion in the State Guidelines for Municipal Service Reviews. Based on this review it is recommended that the Commission find that each of the recommended

municipal service review determinations are exempt from CEQA under what is referred to as the “general rule” exemption. Specifically, CEQA Guidelines §15061(b)(3) provides that a project (each individual service review) is exempt from CEQA if:

“The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Each of the recommended resolutions contains a finding that the action is exempt from CEQA based on this “general rule” exemption.

Public Hearing Notice:

There are no special notice or public hearing requirements for actions on municipal service reviews. Notwithstanding this fact, the entire service review process is intended to be public and the State Municipal Service Review Guidelines recommend taking action on service reviews at a noticed public hearing. Thus, the Municipal Service Review for Recreation and Park Services has been noticed and scheduled as a public hearing. Both legal and display ad notices were published in the Ventura County Star and the notice and the Final Draft Report were posted on the Ventura LAFCO web site. Notice of the hearing was also posted at the County Government Center. Copies of the Final Draft Report have been distributed to each of the six Districts and to other interested agencies and individuals.